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IN THE UNITED STATES DISTRICT COURT
DISTRICT OF UTAH, CENTRAL DIVISION

KRISTINE BIGGS JOHNSON,

Plaintiff,

v.

DANIEL PEAY, a Morgan County
Sheriff's Sergeant, MORGAN
COUNTY, a Political Subdivision; and
JOHN AND JANE DOES 1-10,

Defendants.

**CHIEF DEPUTY KEVIN EDWARDS'
DECLARATION IN SUPPORT OF
DEFENDANTS' OPPOSITION
MEMORANDUM TO PLAINTIFF'S
MOTION FOR SANCTIONS FOR
SPOILATION OF EVIDENCE**

Case No. 1:14-cv-00147-TC

Judge Tena Campbell
Magistrate Judge Brooke C. Wells

I, Kevin Edwards, hereby declare under penalty of perjury that the following statements are true and correct.

1. I am a law enforcement officer and have been for over 36 years.
2. I presently serve as the Chief Deputy at the Morgan County Sheriff's Office and I have been with Morgan County for the last 15 years.

3. Regarding the incident at issue, which occurred on November 25, 2012, I am aware that Sergeant Scott Peay went before the Morgan County Internal Shooting Review Board within approximately 1 to 2 weeks after the incident.

4. I prepared a letter that, as is standard practice within our office, confirmed that Sergeant Peay went before the Internal Review Shooting Board to ensure that his actions were in accord with Morgan County's policies.

5. The letter said that after review, Sergeant Peay's actions were found to be in compliance with Morgan County's Policies.

6. I believe that Sergeant Peay was subsequently taken off of administrative leave and permitted to return to work.

7. Regarding the location of the letter, I have personally made numerous attempts on several different occasions, to locate the letter issued to Sergeant Peay based on repeated inquiries by counsel at Stirba, P.C. In addition, I have personally inquired of the Sheriff, Sergeant Peay, and the members of the Internal Shooting Review Board, to check their files and e-mails for any mention or reference to the meeting or letter created, if not locate the letter itself. Despite mine and others' (including the Sheriff and the Morgan County Attorney) best efforts, the letter has not been located to date.

8. Furthermore, last year in approximately the spring of 2015, my work computer crashed and I lost all of the data on it. While we were able to recover the majority of the information through other methods, it is my belief that the original copy of the letter to Sergeant Peay that was maintained on my computer may have been lost and not recovered.

9. Since the letter was created, I have made absolutely no intentional efforts to

remove, lose, or destroy the letter, nor has anyone else. In fact, it is my intention to continue to try and locate a hard copy of the letter to be produced if possible in good faith because it contains information that is favorable and is supportive of both Sergeant Peay and the Morgan County Sheriff's Office.

10. If I were called to testify in this matter, my testimony would be in accordance with this declaration.

Pursuant to 28 U.S.C.A. § 1746, I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

DATED this 8 day of February, 2016



CHIEF DEPUTY KEVIN EDWARDS